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February 22, 2021

VIA ECF

Honorable Lorna G. Schofield.
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
40 Foley Square
New York, NY 10007

Re: Maldonado et al v. Taverna Kyclades 1st Ave et al; 20-cv-06850-LGS

Your Honor,

This firm represents the Plaintiffs in the above-referenced matter and writes in regard to the Court's Order of February 19, 2021 to set forth attempts to contact plaintiff Santiago Herrera.

This office began contacting Mr. Herrera regularly concerning the upcoming Default OTSC starting in mid-January. After calls went unanswered, a copy of a draft of his affidavit was sent to him via the texting app WhatsApp on January 27, 2021. Several follow-up texts were sent, which were read but not responded to. Staff at this office continued to call Mr. Herrera several times per week at different times of day, but he did not respond to calls except to return one call at 11:30 p.m. to inform us that he was unavailable due to work obligations. While we have continued to attempt to contact him and arrange a way to have him complete his affidavit, he has not answered nor responded to voicemails. After three weeks of calls and texts going mostly unanswered, we sent Mr. Herrera the attached letter in English and Spanish to the address he had provided to us.

We thank the Court for its time and attention to this matter.

Respectfully submitted,

/s/Clela Errington

Clela A. Errington, Esq.

MICHAEL FAILLACE & ASSOCIATES, P.C.

Attorneys for the Plaintiffs